



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re patent application of: HERMONA SOREQ ET AL.

Serial No.: 09/980,263

Filed: March 21, 2002

For: DIAGNOSTIC USES OF ANTIBODIES AGAINST ACETYLCHOLINESTERASE OR
C-TERMINAL PEPTIDES THEREOF

Attorney Docket No.: 2391.00101

RESPONSE

Mail Stop NON Fee Response
Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action dated July 22, 2003, Paper No. 11.

Restriction to one of the following groups was required under 35 U.S.C. § 121:

- I. Claims 1-5, drawn to an antibody.
- II. Claims 6-16, drawn to a method of diagnosing a condition or disease using an antibody.

Applicants provisionally elect Group I, claims 1-5 for prosecution purposes, with traverse. Applicants hereby conditionally withdraw claims 6-16 from prosecution, without prejudice, and request reconsideration of the restriction requirement.

The Office Action states that the prior art discloses the antibody of Group I and therefore none of the other claimed inventions can share a special technical feature with the first claimed invention. However, the mAbs of the Boschetti et al. reference are different than the antibodies of the present invention because they are directed against

the brain AChE and not the R isoform as in the present application. The peptides used by the Boschetti et al. reference are 10 amino acids long, while the peptide herein is 26 amino acids long and thus the sequences are different. Since all of the claims relate to the antibody and methods of using the antibody and they do share a special technical feature it is requested that the claims all be examined in a single application and Applicants have traversed the restriction requirement.

A second restriction to one of the following diseases or conditions was made under 35 U.S.C § 121 and 372:

- i. central nervous system stress;
- ii. disruption of the blood-brain-barrier;
- iii. Alzheimer's disease;
- iv. head injury;
- v. head trauma;
- vi. exposure to irradiation;
- vii. exposure to insecticide; or
- vii. exposure to nerve gas.

If the above restriction is not traversed Applicants have respectfully requested that Group i, the central nervous system stress, be elected for prosecution purposes, with traverse because all of the above conditions are similar in that they can be diagnosed with the antibody of the present invention.

Furthermore, a third restriction requirement was made requiring that one SEQ ID NO be selected from the following SEQ ID NOS:

- A) SEQ ID NO: 1;
- B) SEQ ID NO: 2; or
- C) SEQ ID NO: 3;

Applicants elect Group A, SEQ ID NO: 1 for prosecution purposes, with traverse. All of these restrictions will be done with traverse because they all related to similar SEQ ID NOS and the disease or condition are all generally related because they all require the use of an antibody with a sequence listed herein to be utilized for the diagnosis.

The application is now in condition for allowance, which allowance is respectfully solicited.

If any remaining issues exist, Applicant respectfully requests to be contacted by telephone at (248) 539-5050.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC



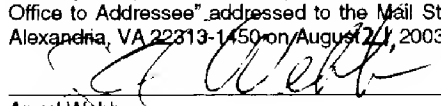
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Dated: August 21, 2003

CERTIFICATE OF MAILING

EXPRESS MAIL LABEL: _____

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" addressed to the Mail Stop NONFee Response, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 21, 2003.


Angel Webb